



This document is scheduled to be published in the Federal Register on 12/21/2012 and available online at <http://federalregister.gov/a/2012-30593>, and on [FDsys.gov](http://FDsys.gov)

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Chapter 1**

[Docket FAR 2012-0081, Sequence 9]

**Federal Acquisition Regulation; Federal Acquisition Circular  
2005-64; Small Entity Compliance Guide**

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Small Entity Compliance Guide.

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**SUMMARY:** This document is issued under the joint authority of DOD, GSA, and NASA. This Small Entity Compliance Guide has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2005-64, which amends the Federal Acquisition Regulation (FAR). An asterisk (\*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2005-64, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

**DATES:** For effective date see separate document, which follows.

**FOR FURTHER INFORMATION CONTACT:** The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005-64 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202-501-4755.

**Rule in FAC 2005-64**

<u>Subject</u>	<u>FAR Case</u>	<u>Analyst</u>
* Nondisplacement of Qualified Workers Under Service Contracts	2011-028	Loeb

**SUPPLEMENTARY INFORMATION:** A summary for the FAR rule follows. For the actual revisions and/or amendments made by this FAR case, refer to the specific item number and subject set forth in the document following the item summary. FAC 2005-64 amends the FAR as specified below:

**Nondisplacement of Qualified Workers Under Service Contracts  
(FAR Case 2011-028)**

This final rule adds subpart 22.12, entitled "Nondisplacement of Qualified Workers Under Service Contracts," and a related contract clause, to the FAR. The new subpart implements Executive Order 13495 and Department of Labor implementing regulations at 29 CFR part 9. The final rule applies to service contracts for performance by service employees of the same or similar work at the same location. It requires service contractors and their subcontractors under successor contracts to offer service

employees of the predecessor contractor and its subcontractors a right of first refusal of employment for positions for which they are qualified.

**Dated:** December 14, 2012

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[BILLING CODE 6820-EP]

[FR Doc. 2012-30593 Filed 12/20/2012 at 8:45 am; Publication  
Date: 12/21/2012]